

ORIGINAL

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNAYLVANIA

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MORDLE, IAN

Petitioner

1: CV 00-1163.3

Vs

No. \_\_\_\_\_

I.N.S.

Respondant

FILED  
SCRANTON

JUN 28 2000

PER

KMC  
DEPUTY CLERK

PETITION FOR WRIT OF HABEAS CORPUS  
UNDER U.S.C. § 2241

RECEIVED  
SCRANTON

JUN 26 2000

PER

DA  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MORDLE, IAN

Vs

I.N.S.

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BRIEF IN SUPPORT OF HABEAS CORPUS

And now, comes the Petitioner IAN MORDLE, acting Pro-Se, on this 22 day of June 2000, who respectfully submits this petition for Writ under 8 USC § 2241 and states the following to be true to the best of my knowledge.

Date: June 22, 2000

STATEMENT OF FACTS

Petitioner IAN MORDLE, is a male native and citizen of Guyana who entered the United States on Dec. 14, 1980, an eight years old child, and a lawful permanent resident.

On May 12, 1994, the Petitioner was convicted in the criminal Court of Westchester County in and for the State of New York, for the offense of attempted criminal possession of control substance, 7th degree.

On Feb. 17, 1995, the Petitioner was convicted in the Superior Court of Kings County in and for the state of New York, for the offense of attempted criminal possession of a weapon in the third degree.

On Jan. 13, 1997, the Petitioner was convicted in the Court of Common Pleas of Adams County in and for the Commonwealth of Pennsylvania for the offense of **b**urglary.

STATEMENT OF CASE

On Oct. 6, 1997, Petitioner was issued a notice to appear on the Factual Allegations that on May 12, 1994, petitioner was convicted for the offense of attempted criminal possession of a control substance in the 7th, in violation of New York State crime code 220.03, the offense of attempted criminal possession of a weapon in violation of New York State crime code 265.01, and the offense of burglary in the violation of Title § 3502 of the Pennsylvania crime code.

On the basis of these allegations, the Petitioner was charge and is found subject to deportation pursuant to the following provision(s) of law:

Sec. 237(a) (2) (A) (ii) of the Immigration and Naturalization Act, as amended, in that , any time after admission, you have been convicted of two crime involving moral turpitude not arising out of a single scheme of criminal misconduct:

Sec. 237 (a) (2) (B) (i) of the Immigration and Naturalization Act, as amended, in that any time after admission, you have been convicted of an aggravated felony as defined in section 101 (a) (43) of the Act.

Sec. 237 (a) (2) (B) (i) of the INA, as amended, in that, at any time after admission, you have been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a state, the United States or a foreign country relating to a controlled substance (as defined in section 102 of the control substance Act, 21 USC 802), other than a single offense involving possession for one's own use of 30 grams or less of marijuana.

On 4/22/1998, Petitioner was ordered removed from the U.S. to his native country of Guyana.

Petitioner made no attempt to contest or appeal this decision of the Immigration judge, but simply wishes to comply with these findings.

ARGUMENT

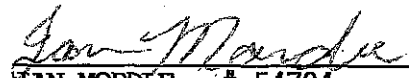
On 6/23/1999, Petitioner was release after completion of the aforementioned sentence and taken into the custody of the Immigration and Naturalization Service. The purpose of the Service's ( INS ) custody is to insure petitioner's compliance with the I.J's order of deportation.

Petitioner has been detained in the Service's (INS) custody for over 11 months and the Service (INS) has not shown any cause for such prolonged detention, but just their non-compliance of the Court's final order of deportation.

CONCLUSION

Wherefore, Petitioner prays that the law being implemented and a final order being imposed, this Honorable Court grant this petition for writ of Habeas Corpus and order the Service (INS) to comply with the Court's order of deportation or immediately release Petitioner from custody.

Respectfully submitted,

  
TAN MORDLE # 54704

York County Prison

3400 Concord Rd.

York. P.A. 17402

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*Tan Morde*

Full name and prison number (if any) of petitioner

**1 : CV 00 - 1163**

Case No.

Clerk to supply

vs.

*L. M. De*

Name of Respondent

28 USC § 2241

**FILED  
SCRANTON**

**JUN 28 2000**

PETITION FOR WRIT OF HABEAS CORPUS  
BY PERSON IN FEDERAL CUSTODY

PER

*LM*  
DEPUTY CLERK

INSTRUCTIONS—READ VERY CAREFULLY

To be considered by the District Court, this petition must be in writing, legibly handwritten [in English] or typewritten, attested to by the petitioner. Answers to each applicable question must be concise. If the space is too small for the answer to a particular question, finish it on the reverse side of the page or insert an additional blank page, making clear to which question the continuing answer refers.

Every petition for habeas corpus must be attested to. A false statement of material fact in the petition may be made the basis of prosecution and conviction for perjury. Petitioners should take care that their answer are true and correct.

If the petition is taken in forma pauperis, it shall include an affidavit [attached at the back of the form] setting forth information that will establish whether petitioner will be unable to pay the fees and costs of the habeas corpus proceedings.

When the petition is completed, the original and two copies shall be mailed to the Clerk of the District Court for the Southern District of New York.

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**JUN 26 2000**

PER

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1. York County Prison
2. Court of Common Pleas of Westchester County in and for the State of New York; Superior Court of New York, Kings County; and Court of Common Pleas of Adams County in and for the Commonwealth of Pennsylvania.
3. N/A
4. 5/12/1994, 2 years probation  
2/07/1995, 5 years probation  
1/13/1997, 18 to 36 Months incarceration
5. After a plea guilty
6. None
7. No
8. None

1. Place of detention \_\_\_\_\_
2. Name and location of court which imposed sentence \_\_\_\_\_  
\_\_\_\_\_
3. The indictment number or numbers [if known] upon which and the offense or offenses for which sentence was imposed:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
5. Check whether a finding of guilty was made
  - (a) after a plea of guilty ☐
  - (b) after a plea of not guilty ☐
  - (c) after a plea of nolo contendere ☐
6. If you were found guilty after a plea of not guilty, check whether that finding was made by
  - (a) a jury ☐
  - (b) a judge without a jury ☐
7. Did you appeal from the judgment of conviction or the imposition of sentence? Yes ☐ No ☐
8. If you answered "Yes" to (7), list
  - (a) the name of each court to which you appealed:



- i. None
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the result in each court to which you appealed:

- i. None
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(c) the date of each such result:

- i. None
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(d) if known, citations of any written opinion or order entered pursuant to such results:

- i. None
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

9. State concisely all the grounds on which you base each allegation that you are being held in custody unlawfully:

(a) Violation of Petitioner's Sixth Amendment Right.

(b) I.N.S., failure to comply with the Immigration Judge's order to pass depo

(b)

(b)

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) The Petitioner is under a final order of deportation and that order has not been complied with.
- (b) The Petitioner does not contest the Court's order, has provided all necessary travel documents to comply with the Court's order of deportation, petitioner has filed no appeal.

11. Have you previously filed petitions for habeas corpus, motions under section 2255 Of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?

Yes

☐

No

☒

12. If you answered "Yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof

i.

*None*

ii.

iii.

(b) the name and location of the court in which each was filed:

i.

*None*

ii.

iii.

(c) the disposition thereof:

i.

*None*

ii.

iii.

(d) the date of each disposition:

i.

*None*

ii.

iii.

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i.

*None*

ii.

iii.

13. If you did not file a motion under section 2255 of Title 28, United States Code, [or if you filed such a motion and it was denied] state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

(a) Remedy by way of motion under 2255  
of Title 28, U.S.C. is inadequate to test  
the legality of my detention because  
the Petitioner does not wish to dispute  
or contest the Immigration Court's order  
of deportation.

(b)

(c)

14. Has any ground set forth in (1) been previously presented to this or any other federal court by way of petition for habeas corpus motion under section 2255 of Title 28, United States Code, or any other petition, motion or application?

Yes ☐No ☒

15. If you answered "Yes" to (14), identify

(a) which grounds have been previously presented:

i. None

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

i. None

ii. \_\_\_\_\_

iii. \_\_\_\_\_

16. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea?

Yes ☒No ☐

(b) your trial, if any? None

Yes ☐No ☒

(c) your sentencing?

Yes ☒No ☐

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

Yes ☐No ☒

(e) preparation, presentation or consideration of any petition, motion or applications with respect to this conviction, which you filed?

Yes ☐No ☒

17. If you answered "Yes" to one or more parts of (16), list

(a) the name and address of each attorney who represented you:

i. CPIA

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(b) the proceedings at which each attorney represented you:

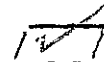
i. CPIA

ii. \_\_\_\_\_

iii. \_\_\_\_\_

18. If you are seeking leave to proceed in forma pauperis, have you completed the sworn affidavit setting forth the required information in instructions, page 1 of this form?

Yes



No



I, Jan Paul Mordhe, state under  
(Print (legibly) or type full name)

penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2000  
(Month) (Date) (Year)

Jan Mordhe  
(Petitioner)

CERTIFICATE OF SERVICE

CASE NAME:

Jan Mordle vs. INS

FILED  
CASE NO : SCRANTON  
JUN 28 2000

1 : CV 00-1163

I HEREBY CERTIFY that on this 22 day of June, 2000.  
PER [Signature] DEPUTY CLERK

I caused to be served the :

- ✓ by placing a true copy thereon in a sealed envelope, with postage thereon fully prepaid and causing the same to be mailed by first class mail to the address set forth below.
- \_\_\_\_\_ by causing to be personally delivered a true copy thereon to the person at the address set forth below.
- \_\_\_\_\_ by FEDERAL EXPRESS: AIRBORNE EXPRESS to the person at the address set forth below.
- \_\_\_\_\_ by CERTIFIED MAIL - return receipt requested to the person at the address set forth below.
- \_\_\_\_\_ by telefaxing with acknowledgement of receipt to the person at the address set forth below.

ADDRESS OF THE PERSON BEING SERVED:

RECEIVED  
SCRANTON

JUN 26 2000

PER [Signature] DEPUTY CLERK

I declare under penalty of perjury that the foregoing is true and correct.

Jan Mordle  
Signature

Executed on June 22, 2000